

EXHIBIT - 35

August 29, 2023

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

NICHOLAS JAMES MCGUFFIN, as an)
individual and as guardian ad)
litem, on behalf of S.M., a) Civil No.
minor,) 6:20-cv-01163-MK
) (Lead Case)

Plaintiffs,)

v.)

MARK DANNELS, PAT DOWNING,) DEPOSITION
SUSAN HORMANN, MARY KRINGS,)
KRIS KARCHER, SHELLY MCINNES,)
RAYMOND MCNEELY, KIP OSWALD,)
MICHAEL REAVES, JOHN RIDDLE,)
SEAN SANBORN, ERIC)
SCHWENNINGER, RICHARD WALTER,)
CHRIS WEBLEY, ANTHONY WETMORE,)
KATHY WILCOX, CRAIG ZANNI,)
DAVID ZAVALA, JOEL D. SHAPIRO)
AS ADMINISTRATOR OF THE ESTATE)
OF DAVID E. HALL, VIDOCQ)
SOCIETY, CITY OF COQUILLE, CITY)
OF COOS BAY, and COOS COUNTY,)

Defendants.)

VIDOCQ SOCIETY,)

Cross-Claimant,)

v.)

MARK DANNELS, PAT DOWNING,)
SUSAN HORMANN, MARY KRINGS,)
KRIS KARCHER, SHELLY MCINNES,)
RAYMOND MCNEELY, KIP OSWALD,)
MICHAEL REAVES, JOHN RIDDLE,)
SEAN SANBORN, ERIC)
SCHWENNINGER, RICHARD WALTER,)
CHRIS WEBLEY, ANTHONY WETMORE,)
KATHY WILCOX, CRAIG ZANNI,)
DAVID ZAVALA, JOEL D. SHAPIRO)

1 although you are convinced that Mr. McGuffin killed Leah
2 Freeman, you don't have enough evidence to seek a true bill.
3 Is that --

4 A. That's correct.

5 Q. -- fair? Okay. For that you need the police to
6 investigate further and present you with evidence that you feel
7 is sufficient to present the case to grand jury. Correct?

8 A. That's correct.

9 Q. And generally speaking, a prosecutor relies on
10 police officers and sheriff deputies to find evidence and
11 identify witnesses, and once the prosecutor is convinced that
12 there's sufficient evidence to sustain an indictment, the
13 prosecutor presents the evidence to a grand jury. Is that
14 right?

15 A. On occasion, yes.

16 Q. Isn't that generally how it works?

17 A. Generally, but there are exceptions.

18 Q. And isn't that -- that's how it worked in
19 Mr. McGuffin's case, though. Correct?

20 A. I would disagree with that to some degree when I
21 presented the second grand jury.

22 Q. Okay. How so?

23 A. I approached the second grand jury from this
24 standpoint. We had -- by that time we had other people that
25 were being named as potential killers of Leah Freeman.

1 Q. Okay.

2 A. And I took the position that we needed to examine
3 all avenues that this case had went down. It was my position
4 at the grand jury that we should present everything we know
5 about this case, including these -- the issues about her being
6 run over by a car, the issues of her being held captive at a
7 cabin someplace, the issues of her body being buried for a
8 period of time at Tom Stemmerman's house and then moved to
9 where it was found.

10 I said we need to explore all of those things
11 because I wanted to find out what happened to Leah Freeman.
12 And that's the way I approached the grand jury. I called
13 almost 120 witnesses, to my recollection, to that grand jury
14 panel.

15 And then when we had finished the presentation, I
16 did not present them with an indictment asking them to indict
17 Mr. McGuffin. I asked them, "Okay, considering all of the
18 evidence you have heard, do you believe anyone should be
19 charged in this case?"

20 They came back and told me that they believed
21 Mr. McGuffin should be charged. Then we discussed, "Well, what
22 do you want to charge him with?" And we went over the various
23 degrees of homicide.

24 And it was their decision to indict him for murder.

25 Q. Okay. But you relied upon the police officers and

Robert Paul Frasier

August 29, 2023

1 STATE OF OREGON)
2 County of Douglas) ss. C E R T I F I C A T E

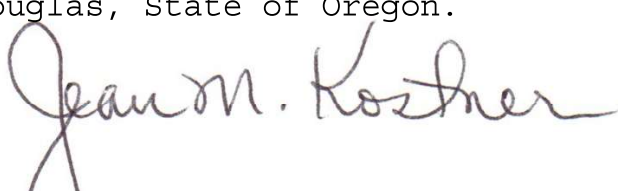
3
4 I, JEAN M. KOSTNER, Certified Shorthand Reporter for the
5 State of Oregon, do hereby certify that:

6 Pursuant to stipulation of counsel for the respective
7 parties, hereinbefore set forth, ROBERT PAUL FRASIER appeared
8 before me at the time and place set forth in the caption
9 hereof;

10 That, at said time and place, I reported in stenotype
11 all testimony adduced and oral proceedings had in the foregoing
12 matter, to the best of my ability;

13 That, thereafter, my notes were reduced to typewriting,
14 and that the foregoing transcript, pages 1 through 251, both
15 inclusive, constitutes a full, true, and correct transcript of
16 all such testimony adduced and oral proceedings had and of the
17 whole thereof.

18 IN WITNESS WHEREOF, I have hereunto set my hand and CSR
19 stamp this 12th day of September, 2023, in the City of
20 Roseburg, County of Douglas, State of Oregon.

21 
22
23 JEAN M. KOSTNER
24 Certified Court Reporter
25 CSR No. 90-0051